



1512 LARIMER ST
SUITE 710
DENVER, CO 80202
RESTAINOLAWFIRM.COM
o: 720.924.2006
f: 720.221.0449

Judge Joseph R. Goodwin
Chief Judge
United States District Court
Southern District of West Virginia

In re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation MDL No. 2327
Application or Nomination for Plaintiffs' Steering Committee

March 20, 2012

Dear Judge Goodwin:

I respectfully submit this letter in response to your request for applications to the yet-to-be developed Executive Committee and Plaintiff Steering Committee ('PSC') for the **In re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation MDL No. 2327 .**

I began the practice of law in 1991 following a decade of practicing reconstructive surgery of the foot and ankle. I was a partner with the law firm of Lopez Hodes Restaino Milman and Skikos in Newport Beach, California. In January 2007, I joined the firm of Burg Simpson Eldredge Hersh and Jardine in Denver, Colorado. Effective December 2010, I started my own firm, the Restaino Law Firm, in Denver, Colorado.

My legal experience is rather unique because of my medical background. As a result of my medical degree and my interest in pharmacoepidemiology, I attended the Johns Hopkins School of Public Health from 2004 to 2008, earning a MPH in epidemiology. Furthermore, I have been appointed as an Associate Adjunct Professor in the Department of Clinical Pharmacy and Outcomes Sciences, the Medical University of South Carolina, College of Pharmacy, where I assist in teaching and conducting research in epidemiology and pharmacovigilance. This additional education and experience assists greatly in directing the epidemiology and pharmacoepidemiology that each PSC and Expert & Science Committee must handle.

In 2001, I spearheaded the entry of Lopez, Hodes, Restaino, Milman & Skikos of Newport Beach, California, into the 'mass tort' arena by developing the Breast Implant litigation for the firm and ultimately assisting in the development of the science and necessary experts for both the state and MDL litigations.

As a result of my experience and success in that litigation, I was appointed to the PSC for the Diet Drugs (Fen-Phen) Products Liability Litigation, MDL 1203 (E.D. Pennsylvania). In addition to my PSC position, I chaired the Science Committee and assisted in the taking and defending of expert depositions, defended plaintiff experts and challenged defense experts at the Daubert Hearing, and, ultimately, assisted in the development of the initial \$4.2 billion dollar settlement.

Following Fen-Phen, I was asked to co-chair the Expert & Science Committee for the Propulsid Products Liability Litigation, MDL 1355 (E.D. Louisiana), successfully arguing against the *Learned Intermediary* defense in front of Judge Fallon.

I have since been invited to chair or co-chair the Science & Expert Committees for the following MDLs:

Rezulin Products Liability Litigation, MDL 1348 (S.D. New York),

Phenylpropanolamine (PPA) Products Liability Litigation, MDL 1407 (W.D. Washington),

Zyprexa Products Liability Litigation, MDL 1596 (E.D. New York),

Vioxx Products Liability Litigation, MDL 1657 (E.D. Louisiana),

Gadolinium-Based Contrast Agents Products Liability Litigation, MDL 1909, (E.D. Ohio)

Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation, MDL 2100, (S.D. Ill)

DePuy Orthopaedics, Inc., ASR™ Hip Implant Products Liability Litigation, MDL 2197 (N.D. Ohio)

Furthermore, I have recently been appointed to the PSC for the In Re: DePuy Orthopaedics, Inc. Pinnacle Hip Implant, MDL 2244 (ND Texas, Dallas Division)


My legal experience also includes a background in medical malpractice trials in addition to being on the trial team for three Vioxx MDL trials, a state phenylpropanolamine (PPA) trial in Los Angeles and being a member of the trail team for a gadolinium-based contrast agent/nephrogenic systemic fibrosis disease trial set which settled in September, 2011 in California.

My extensive experience on both the PSC and/or Expert and Science Committees attest to the respect I am afforded by my colleagues as a leader within the 'MDL system' and I pride myself on 'running' an open, inclusive Expert and Science Committee while lending my voice on leadership matters generally and specific to experts and science on the PSC level.

As mentioned briefly above, in addition to my full-time activities as a trial lawyer, I am an Associate (Adjunct) Professor at the Medical University of South Carolina at the College of Pharmacy. In addition, I am a faculty member of the South Carolina Center of Economic Excellence for Medication Safety at the Medical University of South Carolina, a faculty member of the Southern Network on Adverse Reactions (SONAR) at the College of Pharmacy, and a faculty member of the Doris Levkoff Meddin Center for Medication Safety, also at the Medical University. These faculty appointments attest to the degree of recognition and respect I have attained regarding my knowledge and leadership in the area of adverse drug and medical device events.

Based upon my years of experience working within the MDL system and, specifically, my experience on both PSCs and Science Committees, I respectfully request appointment to the overall Executive Committee and the Plaintiff Steering Committee for MDL 2327. Regardless of appointment or not, if asked, I will assist any Science Committee formed. I welcome the opportunity to serve.

Respectfully submitted,



John M. Restaino, D.P.M., J.D., M.P.H.